

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM E. JOHNSON,

Plaintiff,

v.

THE SCOTTS COMPANY

Defendant.

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Case No. 2:11-CV-0020

JUDGE ALGENON L. MARBLEY

Magistrate Judge Deavers

ORDER OF DISMISSAL

This Court, in its Order of December 21, 2011, granted Defendant's Motion to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6), because the Complaint failed to allege facts sufficient to support a plausible claim of racial discrimination. (Dkt. 20.) In that same Order, pursuant to its discretion under Fed. R. Civ. P. 15(a)(2) to "freely give leave" for a party to amend pleadings "when justice so requires," the Court granted Plaintiff leave to remedy the deficiencies in his Complaint, "if they can be so remedied." *Id.*

Plaintiff has neglected to attempt to amend his Complaint in the interim months. Having had ample opportunity to amend his Complaint, but nevertheless having failed to do, the Court hereby **DISMISSES** Plaintiff's Complaint with prejudice, for the reasons stated in its prior Order. The case is dismissed.

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon L. Marbley

DATED: June 29, 2012